

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 16, 2003

LB 208

lengthy. But the...all that's taking place within the amendment is on the green sheet. I'd remind you that the base bill, LB 208, is a recodification of DUI. It takes all the DUI statutes to pull them into a new form so that they may be more usable, especially to county attorneys who are part time and unacquainted with the...what all is going on. Then also in it is the repeat offenders bill, which was an outcome of the interim study this last fall, and is a product of many, many sources. Department of Motor Vehicles, prosecutors, defense attorneys, citizens, persons that have been a part of the staffs, Transportation staff, my staff, have worked hard to pull all of this together in order to have the total package. Repeat offender is an important subject to all of us, because it does put us in jeopardy. And I think we rightfully can say anything that we can do in this is a people friendly notion. Now I'm going to go through the changes and the items on the green sheet. First change is to add a subsection which replaces a section which we took out on General File. The section that we took out on General File made it a felony for a person who was driving on a revoked license and also drunk...make that felony...make that penalty a felony. At that point, we adjudged that that was too severe, and we have put it back in as an offense of a DUI nature, where the person is also driving on a revoked license. And I remind you that this would have to be a third offense, because the nature of revoking would not happen on the first offense. Then, removed; this is in negotiation with other senators, to remove sections which would...could warrant extended debate. I will make a brief comment on each one, so that persons can understand that. You know, if you want more comment, ask for it. Some of these things would...will come back to be looked at, I'm sure, especially the first one. We had a felony penalty for a DUI offender who flees arrest. To my mind, it's quite a different thing to have a drunk driver blow through an intersection at a high rate of speed than to have an alert teenager do the same thing. It's just quite a different penalty. It's far more dangerous to have the person impaired do it. But at this point, it has a few complications, and we didn't go ahead with it. The next one is the amendment to the habitual criminal statute, which is presently in there. We're removing that. The...and that reduces the mandatory sentence. The present statute reduces the mandatory sentence